

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

BENJAMIN DENEWETH
Plaintiff,

VS.

COUNTY OF MACOMB, a political subdivision and PETER LUCIDO in his individual capacity and separately in his official capacity

Defendants.

CIVIL ACTION NO. 2:23-cv-11545
Hon. Linda V. Parker
Mag. Anthony P. Patti

MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1 of the United States District Court for the Eastern District of Michigan, I certify that on 8/6/24, I conferred with Defendants' Counsels regarding this motion in an effort to seek concurrence in the relief sought. Defendants' counsels do not oppose this motion subject to contingencies.

Pursuant to Federal Rule of Civil Procedure 7(b) and Local Rule 83.25(b) of the Eastern District of Michigan, Shawn L. Desai, counsel for Plaintiff Benjamin Deneweth, respectfully moves this Court for an order permitting withdrawal as counsel of record in this matter. In support of this motion, the undersigned states as follows:

- 1. Basis for Withdrawal:** A substantial breakdown in the attorney-client relationship and communications has occurred, making it untenable for counsel to continue representation in this matter.
- 2. Applicable Rules:** Under Local Rule 83.25(b), an attorney may withdraw from representation of a party by order of the court upon motion.
- 3. Notice to Client:** Plaintiff Benjamin Deneweth has been informed of the undersigned counsel's intention to withdraw and concurs in Plaintiff's counsel's withdraw. Further, Plaintiff has been apprised of all deadlines applicable to this case as set forth in this Court's current scheduling order, as amended on June 18, 2024.

RELIEF REQUESTED

Plaintiff's counsel requests that this Court grant Plaintiff's Motion to Withdraw.

Further, Plaintiff's counsel respectfully requests an adjournment of the current scheduling order to allow Plaintiff adequate time to secure new legal representation due to the necessary withdrawal of current counsel. The current scheduling order, as amended on June 18, 2024, is as follows:

1. Rule 26(a)(2) Expert Disclosures Exchanged by:

- Plaintiff - August 5, 2024
- Defendant - September 5, 2024

2. Deadline to Request Case Evaluation:

- October 14, 2024

3. Discovery Cut-Off:

- October 14, 2024

4. Settlement Conference:

- Referred to Magistrate Judge Anthony P. Patti

5. Dispositive Motion Cut-Off Filed by:

- December 6, 2024

In fairness to the Plaintiff and to ensure the just resolution of this case, Plaintiff's counsel requests that the Court adjourn the current scheduling order to provide Plaintiff sufficient time to secure new counsel. This extension is necessary to prevent any undue prejudice against the Plaintiff and to allow the new counsel adequate time to familiarize themselves with the case and meet all deadlines appropriately.

WHEREFORE, for the reasons stated above, the undersigned counsel respectfully requests that this Honorable Court grant this Motion to Withdraw as Counsel for Plaintiff Benjamin Deneweth.

Respectfully submitted:

By: 

Shawn L. Desai, Managing Attorney
Desai Legal Services PLLC
6450 Maple Road
West Bloomfield, Michigan 48322
Cell: (810)-355-6134

CERTIFICATE OF SERVICE

I hereby certify that on August 8 2024, I electronically filed the foregoing paper with the Clerk of the Court using the ECF filing system which will

forward notification of such filing to the following: all counsel of record; I further certify that I have caused the paper to be sent by United States Postal Service mail to the following non ECF participant: None.

Respectfully submitted:

By: 

Shawn L. Desai, Managing Attorney
Desai Legal Services PLLC
6450 Maple Road
West Bloomfield, Michigan 48322
Cell: (810)-355-6134